

M/049/032

Arjun Ram, P.E.
Western Aggregates
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Salt Lake City, Utah 84106
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facsimile transmittal

To: Mr. Wayne Hedberg Fax: 359-3940
From: Arjun Ram Date: 01/08/99
Re: Utah County Approval for Ekins Pages: 8
CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Mr. Hedberg:

I am faxing you a copy of Utah County's approval as per your request.

Arjun Ram

RECEIVED

JUN 9 1997

APPEAL#

UTAH COUNTY
PLANNING DEPT.

UTAH COUNTY
BOARD OF ADJUSTMENT

APPLICATION FOR A SPECIAL EXCEPTION
(Application Fee is Non-refundable)

Appeal #1228

Section 4 (SE $\frac{1}{4}$) Township 10S Range 1E Date Received June 9, 1997
Tax No. 32-010-11 Zone: M $\frac{1}{2}$ G-1 Received By: S. Christensen
Hearing Date: July 1, 1997 Fee Paid: 50⁰⁰ Receipt # 97-2399
County Address: 7577 W. Hwy 6

APPLICANT'S NAME: Intermountain Aggregate PHONE: (205) 988-9933
MAILING ADDRESS: 6705 Rime Village Drive, East, Birmingham, AL 35216
PROPERTY OWNER'S NAME (if different from applicant): Shirl Ekins

As part of the application, the applicant is required to submit:

1. A plot plan which shows the property boundaries and the location of existing and proposed buildings and land uses within those boundaries, and buildings on adjoining lots, whose ownership is different than the applicant's, which are within 200 feet of applicant's property line or within 200 feet of the proposed construction giving rise to the request for a special exception, whichever is less; a landscape and improvements plan when the application is for a moved building; and additional information.
2. A list of names and addresses of all abutting property owners.

1. (a) State the special exception wanted (check one):

☐ Expansion of nonconforming building or use
☐ Mine or gravel pit
☐ Move a building
☐ Youth Group Home
☒ Other (please specify) Crushing and screening plant

AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED!

- (b) Is the special exception your are requesting one which the Board of Adjustment is specifically empowered to grant? ☒ Yes ☐ No
- (c) If yes, state the section in the ordinance which allows the Board to approve the special exception applied for: _____

Section 5-7 C-2

- (d) State how the land is being used at the present time and what changes are proposed by this appeal: The property is presently vacant. The applicant intends to develop a limestone quarry pit if the request for the crusher is approved.

2. Will granting this appeal degrade the public health, safety, or welfare? ☒ No ☐ Yes. If no, explain how: The crusher and screening operation will be in accordance with MSHA and all applicable standards. Only trained personnel will have access to the facility; the general public will be restricted from entry. No toxic fumes or other substances are or will be emitted by this facility.
3. Does this appeal conform to the "characteristics and purposes stated for the zoning district involved and the adopted county master plan? ☒ Yes ☐ No. If yes, explain how: The M&G1 zoning district permits mining activities and recognizes that the area has peculiar characteristics and conditions that make it suitable for such activities; further, that crusher operations are an ancillary use.
4. Is this appeal compatible with the public interest and with the characteristics of the surrounding area? ☒ Yes ☐ No. If yes, explain how: As currently zoned, it is recognized that it is in the public interest for this area to be zoned for mining and mining-related activities. The surrounding area is characterized by vacant lands and orchards. The requested operation would not be visible to neighboring properties.
5. Will granting this appeal adversely affect local property values? ☒ No ☐ Yes. Explain why: See attached sheet.
6. Are all the standards stated in Chapter 3 (Supplementary Regulations) and Chapter 5 (Regulations Within Zones) of the Utah County Zoning Ordinance met by this appeal? ☒ Yes ☐ No. If yes, state number 5-7 C-2 and explain how standard was met: A crushing and screening plant would be serving the purpose of the mining and grazing zone.

AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED!

VIA
RICK
CHAMBERLAIN

06/04/1997 15:30

615-890-7016

THE WISER COMPANY

PAGE 02/02

7. Will granting this appeal result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of any of the following essential services: roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; water, sewer, and storm water facilities; and garbage removal? X No Yes. Explain why:

Access to the site will be improved per state and local criteria.

All of the services are in place and this use will not create any appreciable demands.

8. What mitigation measures or conditions of approval by the Board do you propose to lessen the impacts and work out an adjustment between this special exception and the surrounding area (such as parking; traffic acceleration lanes; on-site storm water retention facilities; special security or fire protection facilities; water, sewer, and garbage facilities; landscape screen to protect neighboring properties; requirement for the management and maintenance of the facilities; limited hours of operation; limited use of equipment emanating offensive noise, light, dust, or traffic; or other measures)?
- Per state requirements, turn lanes and accel/decel lanes will be constructed at the improved site entrance. The entrance drive will have an asphalt surface for a distance of 300 feet off State Highway 6 to reduce dust. Storm water will be handled according to the State under their criteria. The crusher will be located in an area so that it will not be visible from the street or from the few nearby residents.
9. State any other details about this appeal which you want the Board to be aware of: We are aware that other permits are necessary for the propose operation of the crusher and limestone quarry. All necessary permits are being processed for filing with the appropriate agencies. We recognize this approval may be subject to these permits.
10. To the best of my knowledge, the above information is accurate and complete.

Mo Eugene Huth, Pres. d.
Signature of Applicant
In the Mountains, Arizona

*Likewise, noise from the crusher will be abated by the surrounding mountains. The crushing and screening operation will be equipped with wet suppression units to minimize dust.

AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED!

=====

(ATTACH ADDITIONAL SHEETS IF NECESSARY)

APPROVED AS TO FORM:
KAY BRYSON, County Attorney

By: _____
Deputy

Property Serial Number: 32:010:0011:114
Locator/Old Serial No.: M

Tax District #: 125
Acres: 162.56

Owner Information:

Name: ✓ EKINS, SHIRL L & LORI A
X Name:
Address: 90 W HWY 6 GENOLA UT 84655

TEE
1997...

Property Information:

Property Serial Number: 32:010:0015:123
Locator/Old Serial No.: M

Tax District #: 200
Acres: 10.94

Owner Information:

Name: ✓ ECONO PROPERTIES TRUST LTD
X Name:
Address: PO BOX 60455 PASADENA CA 91106

1997...

Property Information:

Property Serial Number: 32:010:0014:113
Locator/Old Serial No.: M

Tax District #: 200
Acres: 34.74

Owner Information:

Name: MC MULLIN ORCHARDS INC
X Name:
Address: 5625 W 12000 SOUTH PAYSON UT 84651

1987...

Property Serial Number: 32:010:0013:133
Locator/Old Serial No.: M

Year: 1994...
Tax District #: 200
Acres: 5.89

Owner Information:

Name: ✓ MC MULLIN, WILLIAM B & CHRISTINE
X Name:
Address: 740 E HIGHWAY 6 GENOLA UT 84655

JT
1997...

Property Information:

LIDP * * * Land Information Display System * * *

Property Serial Number: 32:015:0002:112
Locator/Old Serial No.: M / M-934

Year: 1996...
Tax District #: 125
Acres: 300.00

Owner Information:

Name: SOUTH COUNTY DEV
X Name:
Address: 2230 N UNIVERSITY PKY PROVO UT 84604

1996...

Property Information:

Address:
Date Effective: 12/31/95 Date Deleted: 00/00/00 Property Class: 100
Date Recorded: 03/02/93 Date Created: 12/31/76 Date Updated: 08/28/96
Last Entry #: 12036;93 Previous Serial Number:

Taxing Description: (Not For Legal Documents)

NW1/4 & NE1/4 LESS E1/2 SE1/4 NE1/4 SEC 9, T10S, R1E, SLM. AREA 300 AC.

GENOLA CITY
74 W. 800 S.
GENOLA UT 84655

ACTION BY BOARD OF ADJUSTMENT

Appeal No. 1228

Applicant: Intermountain Aggregate

RULES FOR HEARING AND DECIDING APPEALS FOR SPECIAL EXCEPTIONS

When the Board of Adjustment acts under its power to hear and decide requests for special exceptions, the Board shall comply with all the following rules and standards (Section 4-7-21 of the Utah County Zoning Ordinance):

- X A. The appellant shall have submitted a properly completed application for hearing.
- X B. The zoning ordinance specifically identifies the special exception in question as one which the board is empowered to approve.
- C. The following standards shall be met as a prerequisite to approving any special exception.
 - X 1. It shall promote the public health, safety, and welfare,
 - X 2. It shall conform to the "characteristics and purposes stated for the zoning district involved and the adopted county master plan.
 - X 3. It shall be compatible with the public interest and with the characteristics of the surrounding area.
 - X 4. It shall not adversely affect local property values.
 - X 5. Any standards stated in Chapter 3, Supplementary Regulations, or Chapter 5, Regulations Within Zones, which apply to a specific special exception shall be met.
 - X 6. It shall not result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of essential services, including, but not limited to: roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; healthful water, sewer, and storm water facilities; and garbage removal.
- D. The board shall attach conditions, when necessary, which work out an adjustment between the special exception and the surrounding area, including, but not limited to, the following:
 - X 1. Parking.
 - X 2. Traffic acceleration lanes.
 - X 3. On-site storm water retention facilities.
 - X 4. Special security or fire protection facilities.
 - X 5. Water, sewer, and garbage facilities.
 - X 6. Landscape screening to protect neighboring properties.
 - X 7. Requirements for the management and maintenance of the above facilities.
 - X 8. Limited hours of operation.
 - X 9. Limited use of equipment emanating offensive noise, light, dust, or traffic.

**Action by the Board of Adjustment - Special Exception\Intermountain Aggregate
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- X E. The Board of Adjustment feels that the facts presented at the hearing, other than mere expressions of protest or support, warrant the granting of the appeal; the said findings of fact shall be made a part of the official record.

This request is GRANTED for the following reasons:
(granted, denied, etc)

(IF PERMIT NOT OBTAINED WITH ONE (1) YEAR, AN APPROVAL IS VOID)

Findings:

1. It shall not degrade the public health, safety, or welfare.
2. It shall be consistent with the general purposes and intent of the zoning ordinance.
3. It shall be consistent with the "characteristics and purposes" stated for the zoning district involved and the adopted general plan.
4. It shall be compatible with the public interest and with the characteristics of the surrounding area.
5. It shall not adversely affect local property values.
6. It shall comply with all of the terms and requirements of the zoning ordinance, including but not limited to those found in Chapter 3, Supplementary Regulations and Chapter 5, Regulations Within Zones.
7. It shall not result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of essential services, including but not limited to: roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; healthful water, sewer, and storm water facilities; and garbage removal.

Conditions:

1. That the placement of the crusher be in the depression behind the hill, so as to shield it from view and sound.
2. That a declaration of zoning lot be filed to gain the required frontage.

3. That if the crusher is removed for a period of one year or longer, or is replaced by another crusher, the special exception needs to be re-applied for (see zoning ordinance section 1-6 F).
4. A pit permit be issued by the zoning administrator in conjunction with U.C.Z.O. Sec. 3-28.
5. All necessary bonds and bond agreements are placed with the appropriate agencies.
6. An access permit be obtained from UDOT.
7. Health Dept. approves the water and sanitary facilities.
8. A Utah County Business License be issued.
9. Building permits be obtained for any appurtant structures to be used on site.
10. That all trucks be covered when on public roads.

Vote Record:

AYE NAY ABSTAINED

Tom Liddle	X
Glen Hawkins	X
Bob Becker	X
Pat Nix	X
Kent Barry	X

I certify that the voting record shown above to be true and correct.


Shirley R. Englund, Secretary